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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(San Joaquin)

THE PEOPLE,

Plaintiff and Respondent,

v.

FAUSTO ROBLETO ARZATE,

Defendant and Appellant.

C068287

(Super. Ct. No.
SF116079A)

Appointed counsel for defendant Fausto Robleto Arzate has asked this court to review the record to determine whether there exist any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) We find no errors and no concerns regarding presentence credits. We shall affirm the judgment.

BACKGROUND

Between April 2007 and April 2008, the 47-year-old defendant had sexual intercourse with 11-year-old A.D. Defendant entered a negotiated plea of guilty to one count of lewd and lascivious conduct on a child under the age of 14 years

(Pen. Code, § 288, subd. (a)) in exchange for a stipulated state prison term of the low term of three years and the dismissal of the remaining seven counts charging the same type of offense. Sentenced accordingly, defendant appeals. His request for a certificate of probable cause was denied. (Pen. Code, § 1237.5.)

DISCUSSION

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we have received no communication from defendant. We have undertaken an examination of the entire record and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

DUARTE, J.

We concur:

RAYE, P. J.

MURRAY, J.